

Bush Declaration Ex. Y

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,

16 Plaintiffs,

17 v.

18 GOOGLE INC.,

19 Defendant.
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Case No. 3:10-cv-03561 WHA

**GOOGLE INC.'S DEPOSITION CLIPS OF
CRAIG GERING PLAYED BY VIDEO
DURING TRIAL**

Trial Date: May 9, 2016
Dept: Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
TRIAL EXHIBIT 7806
CASE NO. 10-03561 WHA
DATE ENTERED _____
BY _____
DEPUTY CLERK

GOOGLE INC.'S DEPOSITION CLIPS OF CRAIG GERING PLAYED BY VIDEO DURING TRIAL
Case No. 3:10-cv-03561 WHA

1 Defendant Google Inc. submits the following deposition clips of Craig Gering played by
2 video on May 16, 2016.

3
4 Dated: May 16, 2016

KEKER & VAN NEST LLP

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6 By: s/ Robert A. Van Nest
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 **Gering, Craig (Vol. 01) - 07/20/2011**

1 CLIP (RUNNING 00:06:39.478)



THE REPORTER: You do solemnly state under ...

GERING_1

14 SEGMENTS (RUNNING 00:06:39.478)

**1. PAGE 9:05 TO 9:09 (RUNNING 00:00:10.492)**

05 THE REPORTER: You do solemnly state under
 06 penalty of perjury that the testimony you're about to
 07 give in this deposition shall be the truth, the whole
 08 truth and nothing but the truth?
 09 THE DEPONENT: I do.

2. PAGE 10:08 TO 10:10 (RUNNING 00:00:04.099)

08 Q. Could you state your full name for the
 09 record.
 10 A. Craig Edward Gering.

3. PAGE 62:11 TO 62:13 (RUNNING 00:00:07.783)

11 Q. (By Mr. Purcell) Mr. Gering, the court
 12 reporter has marked a document as Exhibit 102. You can
 13 take a look at that.

4. PAGE 62:14 TO 62:17 (RUNNING 00:00:12.667)

14 This appears to be a presentation that's
 15 titled "Java and Wireless Business Review." And it has
 16 your name as senior director of mobile and embedded on
 17 the front page. And the date is March 16, 2009.

5. PAGE 62:18 TO 62:20 (RUNNING 00:00:07.960)

18 If you could just take a look at it. And my
 19 question is, is this a presentation that you created
 20 while at Sun?

6. PAGE 62:21 TO 63:08 (RUNNING 00:00:37.763)

21 A. So I don't recall the specific presentation,
 22 but I recognize a bunch of the slides. I think they
 23 were created by a team of people, not my -- I didn't
 24 create the content for all the slides myself. But my
 25 name is on it for...
 00063:01 Q. So was the presentation created at your
 02 direction by you and your team?
 03 A. Or -- either that, or I was -- I -- I don't
 04 recall the specific instances of why this presentation
 05 was put together. So it could be that I had to present
 06 this to someone, so the team gathered various slides
 07 and created maybe some for this presentation. But I
 08 don't remember this specific deck, the reason for it.

7. PAGE 100:02 TO 100:07 (RUNNING 00:00:19.840)

02 Q. Okay. If you could turn the page to page 16.
 03 I have a couple of questions about these footprint
 04 slides.
 05 So this graph, the horizontal axis is labeled
 06 "Richness Capability."
 07 A. Uh-huh.

8. PAGE 101:05 TO 101:10 (RUNNING 00:00:07.968)

05 Q. (By Mr. Purcell) Okay. That's fine.

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06 The -- the vertical axis has three product
 07 categories: Low cost, feature phone and smartphone.
 08 A. Uh-huh.
 09 Q. Do you see that?
 10 A. Yes.

9. PAGE 101:15 TO 102:25 (RUNNING 00:02:08.328)

15 Q. And how would you describe a feature phone?
 16 A. So the terminology that was -- that we used
 17 during this time frame, roughly, for -- was basically a
 18 feature phone is something running a realtime or
 19 nonopen OS.
 20 There are many definitions in the industry,
 21 so there's not a concrete this is the -- the
 22 definition, but that's what we used in-house.
 23 So -- so realtime OS was a feature phone.
 24 Q. And was that the only definition requirement
 25 that you used at this time within Sun, a feature phone
 00102:01 was anything running a realtime OS?
 02 A. Well, we -- we basically -- there were many
 03 discussions, I don't recall the specifics of them, to
 04 try and figure out which are the best ways to talk
 05 about devices. And at the end of the day we -- we
 06 wound up using the OS to define the device versus the
 07 device.
 08 Q. What distinguishes a feature phone, on the
 09 one hand, from a smartphone, on the other hand?
 10 A. We decided to use operating system as the
 11 definition. There are many different market
 12 segmentations that use different variables.
 13 Q. What -- what's the difference in the
 14 operating system between a feature phone and a
 15 smartphone as Sun defined it in March of '09 -- defined
 16 those categories in March of '09?
 17 A. I don't recall exactly. But, in general, the
 18 idea was that a smartphone was something that had an
 19 operating environment with the notion of -- of -- of a
 20 rich OS, meaning processes, and memory management,
 21 and -- and -- well -- well, established set of APIs to
 22 access the device. Those kind of things.
 23 Q. So a smartphone had a rich OS, whereas a
 24 feature phone had a realtime?
 25 A. Realtime or miniature or partial OS.

10. PAGE 103:14 TO 104:04 (RUNNING 00:00:38.329)

14 Q. What about a smartphone? Is -- is a -- for
 15 instance, is the Apple iPhone, is that an example of a
 16 smartphone?
 17 A. An iPhone is a smartphone in that -- based on
 18 that characterization, yes.
 19 Q. And, in fact, we see the iPhone represented
 20 in the upper right-hand portion of this chart in the
 21 smartphone category?
 22 A. Yes.
 23 Q. And we also see Android represented right
 24 next to the iPhone in the smartphone portion of the
 25 chart?
 00104:01 A. Yes.
 02 Q. Based on this chart, it looks like that the
 03 Java footprint as of March of '09 was primarily in the
 04 feature phone category; is that accurate?

11. PAGE 104:05 TO 104:09 (RUNNING 00:00:16.700)

05 A. So I -- that's what's on this slide. But my
 06 own recollection of that time is there were other

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07 devices in the market that had Java on them. In the
08 smart -- for example RIM or -- or Nokia Series 60
09 devices.

12. PAGE 104:10 TO 104:15 (RUNNING 00:00:18.699)

10 Q. Do you recall the RIM devices in the March of
11 '09 time frame that had Java on them that would be in
12 the smartphone category?
13 A. I think all RIM devices would be in the
14 smartphone category based on the -- the way we talked
15 about it. Yeah.

13. PAGE 106:02 TO 106:13 (RUNNING 00:00:42.554)

02 Q. (By Mr. Purcell) When you incorporated this
03 into your presentation, you had no reason to think that
04 this footprint graphic was inaccurate, correct?
05 A. I believe that this slide is taken -- yeah.
06 I believe that this slide was -- is -- is to be taken
07 in -- in connection with the next slide, and it was
08 what they called action to try and talk about what
09 things to do to the platform.
10 Q. Well, let's talk --
11 A. But I don't -- I don't -- I don't recall the
12 specifics, but I think that's the general idea.
13 Q. Let's talk about the next slide then.

14. PAGE 106:14 TO 107:06 (RUNNING 00:00:46.296)

14 So page 17 is a slide titled "Tomorrow's Java
15 Footprint." And as we see, the Java footprint has
16 expanded and is larger in size than the one on the
17 previous slide, correct?
18 A. Yes.
19 Q. And, primarily, it has expanded into the low
20 cost phone segment all the way to the bottom of the
21 graph, correct?
22 A. Yes.
23 Q. And it has expanded possibly a little bit,
24 not as much, upward into the smartphone segment,
25 correct?
00107:01 A. Yes.
02 Q. And it -- it hasn't expanded to overlap with
03 the iPhone and Android icons in the top right-hand
04 portion of the -- the chart, correct?
05 A. That's what the chart -- is on the chart,
06 yes.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 00:06:39.478)
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